

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff

vs.

RAMON ARAGON, *et al.*

Defendants

05 SEP 23 AM 11:27  
PSV

CLERK'S OFFICE

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Section 5: Rio Gallina

**Subfile GAL 10.1**

**MOTION FOR SUBSTITUTION OF PARTIES**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and pursuant to Fed. R. Civ. Pro. 25(c) moves the Court to issue its order substituting VISTA, LTD. for defendant CHRIST IN THE DESERT MONASTERY in these proceedings in connection with Subfile GAL 10.1, and as grounds states as follows:

1. On April 11, 1997, the Court entered its Order (Doc. No. 5632) adjudicating the water rights of Christ in the Desert Monastery under Subfile GAL 10.1. These water rights, located on land west of the Rio Chama, are now owned by Vista, Ltd. (Robert D. Pearson). *See* OSE Change of Ownership of Water Right and Warranty Deed attached hereto as Exhibit A.

2. The State requests that the Court substitute Vista, Ltd. for Christ of the Desert Monastery in these proceedings in connection with Subfile GAL 10.1 in order to make a determination of the priority date of these rights, a matter reserved in the Order entered on April 11, 1997. The State also proposes to include these rights in Section 1 (Chama Mainstream) rather than Section 5 (Rio Gallina Section) as indicated in the Order entered on April 11, 1997.

8015

3. Christ in the Desert Monastery should remain a party defendant in these proceedings in connection with its land and water rights located east of the Rio Chama. These lands and water rights are located in Section 1.

4. Annie Laurie Coogan, counsel for Christ in the Desert Monastery, and Robert D. Pearson, president of Vista, Ltd., support the granting of this Motion.

WHEREFORI the State requests the Court to enter its order substituting Vista, Ltd. for defendant Christ in the Desert Monastery in these proceedings in connection with Subfile GAI. 10.1.

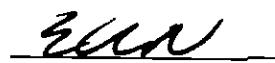
Respectfully submitted,



EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 827-7444

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above Motion for Substitution of Parties was mailed to following persons on September 26, 2005.

  
Edward G. Newville

Vista, Ltd.  
c/o Robert D. Pearson  
255 Staab Street  
Santa Fe, NM 87505

Annie Laurie Coogan  
Coogan Law Offices  
1520 Paseo de Peralta  
Santa Fe, NM 87501-3793

**RIO CHAMA SECTION 5 SERVICE LIST**

Special Master Vickie L. Gabin  
USDC-DCNM  
P.O. Box 2384  
Santa Fe, NM 87504-2384

Karla McCall, Data Manager,  
1315 Sagebrush Dr. SW  
Los Lunas, NM 87031

Mary E. Humphrey, Esq.  
P.O. Box 1574  
El Prado, NM 87529-1574

Bradley S. Bridgewater, Esq.  
David W. Gehlert, Esq.  
USDOJ-ENRD  
999 18th St., Suite 945  
Denver, CO 80202

John W. Utton, Esq.  
Sheehan, Sheehan & Stelzner PA  
P.O. Box 271  
Albuquerque, NM 87103-0271

Fred J. Waltz, Esq.  
P.O. Box 6390  
Taos, NM 87571-4010

Paula Garcia  
NM Acequia Association  
607 Cerrillos Road, Suite F  
Santa Fe, NM 87505

NM Acequia Commission  
Fred Vigil, Chairman  
Depart. of Finance & Admin.  
Local Government Division  
Bataan Memorial Building  
Santa Fe, NM 87503

NOTE: CONTACT JIM CORBIN  
@ 466-4605 w/ANY  
QUESTIONS. MAIL ALL  
COMPLETED DOCUMENTS

File Number: 0975

TO : JIM CORBIN NEW MEXICO STATE ENGINEER OFFICE  
8 DESCANSO RD CHANGE OF OWNERSHIP OF WATER RIGHT  
SANTA FE NM 87505

**1. OWNER OF RECORD**

Name: CHRIST IN THE DESERT MONASTERY  
Contact: ABBOT PHILIP LAWRENCE Work Phone: 470-5987  
Address: MONASTERY OF CHRIST Home Phone: 470-5987  
IN THE DESERT  
City: ABQ State: NM Zip: 87510

## NEW OWNER

Name: VISTA, LTD. Contact: ROBERT D. PEARSON Address: 255 STAAB STREET Work Phone: 982-9411  
Home Phone: 982-9411  
City: SANTA FE State: NM Zip: 87505

**2. AMOUNT CONVEYED**

State Engineer File Number: 0975.  
Subfile Number GAL 10.1 of Cause Number CIV 7941-SC.  
Owner of record has conveyed ALL of said right. RIO CHAMA  
(all or part) ADJUDICATION  
SUIT RIO GALLINA  
SECTION  
Consumptive Use: 40.05 acre-feet per annum  
Diversion Amount: 80.01 acre-feet per annum  
Other: N/A (units)

### **3. PURPOSE OF USE**

Domestic:  Livestock:  Irrigation:  Municipal:  Industrial:   
Commercial:  Other (specify): \_\_\_\_\_  
Specific use: \_\_\_\_\_

#### 4 PLACE OF USE

26,7 acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority
<u>TRACT GAL. 10.1 ON</u>	<u>25</u>	<u>25N</u>	<u>2E</u>	<u>26.7</u>	<u>TBD</u>
<u>MAP B OF THE RIO</u>					
<u>CHAMA HYDROGRAPHIC</u>					
<u>SURVEY, RIO GALLINA</u>					
<u>SECTION, IN SW 1/4 OF</u>					
<u>SEC 25, T25N, R2E</u>					

File Number: 0975  
Trn Number:

EXHIBIT A

File Number: 0975

NEW MEXICO STATE ENGINEER OFFICE  
CHANGE OF OWNERSHIP OF WATER RIGHT

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No. Subdivision Section Township Range  
NO WELLS, LAND OR APPURTENANCES ACCOMPANY  
THE CONVEYED WATER RIGHT.

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

I, the above owner of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right: (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

Robert D. Pearson

ROBERT D. PEARSON  
VISTA, LTD

Abbot Philip J.

ABBOT PHILIP LAWRENCE  
FOR: MONASTERY OF CHRIST  
IN THE DESERT.

7. ADDITIONAL STATEMENTS OR EXPLANATIONS:

N/A

NOTE: WATER RIGHT IS BEING CONVEYED  
SEPARATE FROM THE LAND. PLACE  
AND TYPE OF USE REMAIN  
THE SAME.

ACKNOWLEDGEMENT FOR NATURAL PERSONS

I, ROBERT D. PEARSON affirm that the foregoing statements are true to  
(Please Print)  
the best of my knowledge and belief, By: ROBERT D. PEARSON.

Signature

Signature

NOTARY

This instrument was acknowledged before me this 29 day of July,

A.D., 99, By ROBERT D. PEARSON  
Name of Applicant

My commission expires 8-26-2002

James A. W. Casper  
Notary Public

File Number: 0975  
Trn Number: \_\_\_\_\_

**NEW MEXICO STATE ENGINEER OFFICE  
CHANGE OF OWNERSHIP OF WATER RIGHT**

**ACKNOWLEDGMENT FOR CORPORATION**

**Signature of Officer**

State of : \_\_\_\_\_ )

三

County of ( \_\_\_\_\_ )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,

A.D., \_\_\_\_\_, By \_\_\_\_\_, \_\_\_\_\_  
(Name of Officer) (Title of Officer)

of \_\_\_\_\_, a \_\_\_\_\_ corporation.  
(Name of Corporation Acknowledging) (State of Corporation)

on behalf of said corporation.

My commission expires \_\_\_\_\_ Notary Public \_\_\_\_\_

OFFICE OF  
STATE ENGINEER  
SAFETY INSPECTOR

#### **ACTION OF STATE ENGINEER**

This Change of Ownership form is hereby accepted for filing in accordance with Section 72-1-2.1, NMSA-1978 (1985 Repl. Pamph.), as amended. The acceptance by the State Engineer Office does not constitute validation of the right conveyed. *S. M. [Signature]*

Rept. Rumpf, as amended.  
Office does not constitute va  
S. M. Wells

File Number:

0975

**NEW MEXICO STATE ENGINEER OFFICE  
CHANGE OF OWNERSHIP OF WATER RIGHT**

**CHANGE OF OWNERSHIP INSTRUCTIONS**

- a. The "Owner of Record" of a water right is the current owner recorded in the State Engineer Office.
- b. This form shall be completed by the new owner and shall be accompanied by a warranty deed or other instrument of conveyance.
- c. A separate Change of Ownership of Water Right form shall be filed for each water right recorded in the State Engineer Office by either Permit, License, Declaration or Court Adjudication.
- d. This form shall be filed in triplicate(three) and must be accompanied by a \$2.00 filing fee. Each form must be signed and notarized.
- e. An original will be forwarded to the new owner with instructions to file it with the county clerk in the county in which the water right is located. Acceptance of the form for filing by the State Engineer does not constitute verification of the right conveyed.

**LINE BY LINE INSTRUCTIONS**

1. Name and address of new owner is required.
2. If for irrigation, "Diversion Amount" is the diversion at the farm(turnout) headgate. State Engineer file number is required.
3. State purpose of use of the existing water right of the owner of record.
4. A legal description of the land with the water right or place of use is required. If possible, a copy of the survey plat shall accompany this document.
5. If the ownership of a well is being changed, the State Engineer file number of the well is required.
6. If the water rights are being conveyed without the land a verification (signature) from the seller is required.

Assistance in completing this form is available, and filing of the form may be done, at the State Engineer Office in Santa Fe and the District Offices located as follows:

Santa Fe, Room 102, Bataan Memorial Building, P.O. Box 25102,  
Santa Fe, NM 87504-5102, Phone # 505-827-6120  
District 1, 3911 Candelaria, NM, Suite A,  
Albuquerque, NM 87107, Phone # 505-841-9480  
District 2, 1900 West Second Street,  
Roswell, NM 88201, Phone # 505-622-6467  
District 3, 216 South Silver, P.O. Box 844,  
Deming, NM 88031, Phone # 505-546-3881  
District 4, 133 Wyatt Drive, Suite 3,  
Las Cruces, NM 88006, Phone # 505-524-6161  
Aptec Sub-Office, 113 South Mesa Verde,  
Aptec, NM 87410, Phone # 505-334-9481

File Number: 0975

**WARRANTY DEED  
(SECOND CONVEYANCE OF WATER RIGHTS)**

Christ in the Desert Monastery ("Grantor") warrants that the Grantor is the owner of 40.05 acre-feet of consumptive use water rights (80.1 acre-feet of diversion) in the Upper Rio Grande Basin located in the Rio Chama sub-basin and more particularly in the Gallina Drainage ("Water Rights"), which Water Rights are a part of the surface waters that are appurtenant to 26.7 acres of land as described in the attached adjudication order (Attachment) State Engineer File Number 0975, Subfile Number GAL 10.1 of Cause Number CIV 7941-SC, RIO CHAMA ADJUDICATION SUIT, RIO GALLINA SECTION, located in Rio Arriba County, New Mexico. For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor grants to Vista, Ltd. (Robert D Pearson) whose address is 255 Staab Street, Santa Fe, New Mexico 87505, a fee simple interest in the water rights, with warranty covenants

DATED: August 12, 1999

BY: Abbot Philip L  
Abbot Philip Lawrence  
For Christ in the Desert Monastery

STATE OF NEW MEXICO )  
                          ) ss.  
COUNTY OF SANTA FE )

This instrument was acknowledged before me on August 12, 1999, by Abbot Philip Lawrence for Christ in the Desert Monastery (their duly designated agent).

SEAL.

Douglas M. Sawyer  
NOTARY PUBLIC

My Commission Expires:

July 27, 2000